

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

MICHAEL WAYNE PARSONS,

Petitioner,

Case. No. 2:22-cv-02247-MSN-tmp

v.

UNITED STATES OF AMERICA, *et al.*,

Respondent.

ORDER TRANSFERRING PETITION PURSUANT TO 28 U.S.C. § 1406(a)

On April 20, 2022, Petitioner, Michael Wayne Parson, Bureau of Prisoners number 30237-047, an inmate at the Federal Correctional Institution Low in Forrest City, Arkansas, filed a *pro se* petition pursuant to 28 U.S.C. § 2241 (“§ 2241 Petition”). (ECF No. 1.) In 2018, Petitioner was convicted in the United States District Court in Nebraska for a violation of 18 U.S.C. § 922(g). (*Id.* at PageID 1.) *See United States v. Parsons*, No. 4:17-cr-03038-JMG-CRZ, 2018 WL 4124559 (D. Neb. 2018). (ECF No. 187.)

Under 28 U.S.C. § 2241(a), district courts may only grant writs of habeas corpus “within their respective jurisdictions.” Thus, the law is clear that the proper venue for a § 2241 petition is the judicial district where the petitioner is confined or where his custodian is located. *See Rumsfeld v. Padilla*, 542 U.S. 426, 434–35, 447 (2004) (“Whenever a § 2241 habeas petitioner seeks to challenge his present physical custody within the United States, he should name his warden as respondent and file the petition in the district of confinement.”); *Roman v. Ashcroft*, 340 F.3d 314, 318–20 (6th Cir. 2003); *Wright v. U.S. Bd. of Parole*, 557 F.2d 74, 77 (6th Cir. 1977) (“The habeas corpus power of federal courts over prisoners in federal custody has been confined

by Congress through 28 U.S.C. § 2241 to those district courts within whose territorial jurisdiction the custodian is located.”). Petitioner was not convicted in this Court and is not presently confined in this jurisdiction.

Petitioner is currently incarcerated in Forrest City, St. Francis County, Arkansas, which is located within the jurisdiction of the United States District Court for the Eastern District of Arkansas, Delta Division. *See* 28 U.S.C. § 83(a)(2). Therefore, Petitioner’s § 2241 Petition should have been filed in the United States District Court for the Eastern District of Arkansas, Delta Division.

It is **ORDERED**, pursuant to 28 U.S.C. § 1406(a), that the Clerk transfer this case to the United States District Court for the Eastern District of Arkansas at Helena.

The Clerk is directed to close this case without entry of judgment. The Clerk is further directed not to file any documents in this closed case. Any documents received from Petitioner should be forwarded to the Delta Division of the Eastern District of Arkansas or returned to Petitioner, as appropriate.

IT IS SO ORDERED this 1st day of June, 2022.

s/ Mark Norris
MARK S. NORRIS
UNITED STATES DISTRICT JUDGE